

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 16, 2020**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Hermino Garcia Rojas Case Number: 0980 2:10CR02120-RMP-1

Address of Offender: Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Date of Original Sentence: November 17, 2011

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
TSR - 96 monthsRevocation Sentence: Prison - 12 months
January 15, 2019 TSR - 84 monthsRevocation Sentence: Prison - 4 months
May 4, 2020 TSR - 78 monthsRevocation Sentence: Prison - 2 months
August 10, 2020 TSR - 76 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: September 25, 2020

Defense Attorney: Paul Shelton Date Supervision Expires: January 24, 2027

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Rojas is alleged to have failed to report to the probation office as directed on November 4 and 10, 2020.

On, September 18, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of standard condition number 2, as noted above.

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On November 2, 2020, Mr. Rojas was directed to report to the probation office to start the Sobriety Treatment and Education Program (STEP) at 10:30 a.m. on November 4, 2020. Mr. Rojas was a no-show no-call for STEP on November 4, 2020. He called this officer on November 6, 2020, and apologized for not reporting as directed on November 4, 2020. This officer directed Mr. Rojas to report to the probation office on November 10, 2020, to discuss his noncompliance and to discuss a plan to get him back on track with his supervised release requirements.

On November 10, 2020, this officer spoke with Mr. Rojas' girlfriend, who reported she was going to get Mr. Rojas and bring him to the probation office for his appointment. Mr. Rojas once again failed to report to the probation office as directed. He sent this officer a text message on November 11, 2020, and apologized for not reporting as directed.

This officer attempted to contact Mr. Rojas on November 12 and 13, 2020. Calls have gone unanswered and Mr. Rojas is not responding to text messages. As of the writing of this report, Mr. Rojas' whereabouts is unknown.

2 **Special Condition #1:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the Court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Rojas is alleged to have been unsuccessfully discharged from outpatient treatment at Merit Resource Services (Merit) on November 6, 2020.

On September 18, 2020, supervised release conditions were reviewed and signed by Mr. Rojas, acknowledging his understanding of special condition number 1, which requires him to enter into and successfully complete substance abuse treatment.

On November 12, 2020, this officer received a discharge summary from Merit stating that Mr. Rojas was unsuccessfully discharged from outpatient treatment on November 6, 2020, for lack of attendance and having left treatment against clinical advice.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 16, 2020

s/Phil Casey

Phil Casey
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/16/2020

Date